IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1045 OF 2007

Hussain Mohammad Shattaf ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.Raja Thakre, Adv. with A.M.Chimalkar, Adv. for the Applicant.
Mr.S.R.Shinde, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 16th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.46 of 2006 of Lonavala City Police Station. The said case is under Section 302 of IPC.

3. Deceased Manmohan Singh was found murdered in the night between 14th May, 2006 and 15th May, 2006. It is the prosecution case that the applicant and other accused murdered Manmohan Singh. Mr.Thakare submitted that the applicant

was present at the time of funeral of the deceased Manmohan Singh, thereafter he was also present when various panchanamas were drawn so also when the dog squad visited the scene of offence the applicant was present. Thereafter the statements of the applicant came to be recorded on 16th May, 2006 and 19th May, 2006. Mr.Thakare submitted that if the applicant was really involved in the incident he would not have remained present, especially when the dog squad came to the spot.

4. The only material against the applicant is that he and his wife were the persons last seen with the deceased i.e. they were seen in the bungalow of the deceased. The applicant and the deceased were acquainted and as such the applicant used to go to the house of the deceased. Hence, there was nothing unusual if the applicant went to the house of the deceased. Besides this circumstance of 'Last-Seen', there is no other material against the applicant.

5. In this view of the matter, I am inclined to grant bail to the applicant.

6. The applicant Hussain Mohammad Shattaf to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount. The applicant shall report to LCB, Pune initially for two weeks from 19th April, 2007 every day from 11:00 a.m. to 2:00 p.m., thereafter for a month twice in a week i.e. on Monday and Thursday, and thereafter once in a week till conclusion of the trial.

7. The applicant Hussain Mohammad Shattaf is permitted to be released on cash bail of Rs.25,000/- for a period of two weeks from today within which time necessary sureties to be furnished by the applicant. It is made clear that if the necessary sureties are not furnished within such time, the bail granted to the applicant shall stand automatically cancelled and the applicant can be taken into custody.

8. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)